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PROG 10/11/84
CHARGE: JABUSHNELL
POL: JJCARRAGHER: MH
POL: RBHOWARD
AMB DCM POL-3, DAO ECON SCI, MILGP RF CHRON

AMEMBASSY BUENOS AIRES
SECSTATE WASHDC, IMMEDIATE
INFO AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY LA PAZ
AMEMBASSY LONDON
AMEMBASSY MONTEVIDEO
AMEMBASSY ROME
AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK
USMISSION GENEVA
USCINCSO QUARRY HEIGHTS PN
USCINCLANT NORFOLK VA
USAFSO HOWARD AFB PN//LAI//

CINCSO FOR INTAFF

CINCLANT ALSO FOR POLAD

ROME ALSO FOR EMBASSY VATICAN

E.O. 12356: DECL: OADR
TAGS: SHUM, PGOV, MARR, AR
SUBJECT: JUNTA CASES TO CIVIL COURTS

REF: BUENOS AIRES 7788 (281813Z SEP 84)

1. [REDACTED] - ENTIRE TEXT)

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(☒) Release () Excise () Deny

Exemption(s):

Declassify: () In Part (☒) In Full

() Classify as () Extend as () Downgrade to


Date Declassify on Reason

JAE
JC
RBH
JSD
JAA
LCC

86F93

48/293

2. THE CRIMINAL FEDERAL COURT OF APPEALS HAS DECIDED TO TAKE CHARGE OF HUMAN RIGHTS VIOLATION CASES AGAINST MEMBERS OF THE FIRST THREE MILITARY JUNTAS. IN ANNOUNCING ITS DECISION TO INTERVENE IN THE CASES, THE COURT SAID THAT THERE HAD BEEN "UNJUSTIFIED DELAYS" BY THE SUPREME COUNCIL OF THE ARMED FORCES. THE APPELLATE COURT RETURNED ALL OTHER CASES TO THE SUPREME COUNCIL FOR A PERIOD OF 180 DAYS. MEANWHIL** THE LOCAL PRESS REPORTS THAT TWO JUNTA MEMBERS,*** GENERAL JORGE VIDELA AND ADMIRAL EMILIO MASSERA, WILL*** BE TRANSFERRED FROM MILITARY DETENTION TO A FEDERAL*** JAIL.***



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3. COMMENT: THIS APPELLATE COURT ACTION MAY NOT IMMEDIATELY HARM THE GOVERNMENT'S RELATIONS WITH THE ARMED FORCES. THE MILITARY RECOGNIZE THAT MEMBERS OF AT LEAST THE FIRST TWO JUNTAS WILL EVENTUALLY BE SENTENCED FOR THEIR ROLES IN THE ACTIONS OF THE MILITARY GOVERNMENTS. (SEVERE SENTENCES BY THE CIVILIAN COURTS WOULD ANGER THE ARMED FORCES HOWEVER.) SINCE THE CIVILIAN COURTS WOULD HAVE LOOKED AT THE CRIMES OF THE JUNTA SOONER OR LATER, CIVILIAN PROSECUTION OF THE JUNTAS MAY BE AN ACCEPTABLE OUTCOME FOR THE GOVERNMENT WHICH WANTED TO KEEP ALL CASES IN MILITARY CHANNELS, BUT IS MOST CONCERNED THAT THE CASES OF MIDDLE-GRADE OFFICERS REMAIN THERE. IT REMAINS TO BE SEEN, OF COURSE, WHETHER THE APPELLATE COURTS WILL BE SATISFIED WITH THE SUPREME COUNCIL'S HANDLING OF THE CASES RETURNED TO IT WHICH CONCERN MIDDLE-GRADE OFFICERS.

BUSHNELL##